

# EXHIBIT 1

Mike Arias, Esq. (SBN 115385)  
 Arnold C. Wang, Esq. (SBN 204431)  
 M. Anthony Jenkins, Esq. (SBN 171958)  
**ARIAS SANGUINETTI WANG & TEAM LLP**  
 6701 Center Drive West, 14th Floor  
 Los Angeles, California 90045  
 Telephone: (310) 844-9696  
 Facsimile: (310) 861-0168

Electronically FILED by  
 Superior Court of California,  
 County of Los Angeles  
 1/03/2024 4:26 PM  
 David W. Slayton,  
 Executive Officer/Clerk of Court,  
 By J. Covarrubias, Deputy Clerk

Nicholas A. Coulson, Esq.\*  
 Julia G. Haghighi, Esq.\*  
**LIDDLE SHEETS COULSON P.C.**  
 \*Pro Hac Vice Applications to be submitted  
 975 E. Jefferson Avenue  
 Detroit, Michigan 48207  
 Telephone: (313) 392-0015  
 Facsimile: (313) 392-0025

*Attorneys for Plaintiffs and the Putative Class*

**SUPERIOR COURT OF THE STATE OF CALIFORNIA  
 FOR THE COUNTY OF LOS ANGELES**

JANE DOE, on behalf of  
 herself and all others similarly situated,

Plaintiff,

Vs.

PHE, INC. and GOOGLE LLC

Defendants.

CASE NO. **24STCV00181**

CLASS ACTION COMPLAINT FOR:

1. Violation California Invasion of Privacy Act,  
 Cal. Penal Code §§630-638.55

JURY TRIAL DEMANDED

**NOTICE TO DEFENDANTS OF DUTIES TO RETAIN EVIDENCE:**

TO ALL DEFENDANTS: Note and adhere to your duties to retain, and not delete or destroy, all documents, emails, databases, electronic records, electronically stored information, and all other evidence that may be pertinent to this lawsuit, and to cease any destruction or deletion of such evidence that might otherwise take place in the ordinary course of your business or affairs.

1 Plaintiff Jane Doe, by and through her attorneys, for her Complaint against Defendants  
2 PHE, INC. (“PHE”) and GOOGLE LLC (“**Defendants**”) states as follows:

### 3 **INTRODUCTION**

4 1. Plaintiff, on behalf of herself and all others similarly situated (“**Plaintiff**”), brings  
5 this class action due to Defendants’ disclosure and communications regarding Plaintiff’s private  
6 and protected sexual information along with her IP addresses without her consent including but  
7 not limited to:

- 8 a. Sexual preferences;
- 9 b. Sexual orientation;
- 10 c. Sexual practices;
- 11 d. Sexual fetishes;
- 12 e. Sex toy preferences;
- 13 f. Lubricant preferences; and
- 14 g. Search terms.

15 (collectively, “**Private and Protected Sexual Information**”)

16 2. Specifically, Defendant PHE caused Google to learn the contents of Plaintiff’s  
17 Private and Protected Sexual Information along with Plaintiff’s IP address between her and  
18 Defendants without consent.

19 3. Plaintiff is a consumer of PHE’s website, [www.adameve.com](http://www.adameve.com) (the “**Website**”)  
20 which sells adult products.

21 4. When Plaintiff used Defendant’s Website, information that revealed her Private and  
22 Protected Sexual Information and IP address was provided to Google without notifying her and  
23 without her consent.

24 5. Defendant PHE violated section 631(a) of the California Invasion of Privacy Act,  
25 Cal. Penal Code §§ 630-638.55 (the “**CIPA**”) each time it disclosed Plaintiff’s Private and  
26 Protected Sexual Information.

27 6. Defendant Google violated section 631(a) of CIPA each time it read, learned from,  
28 and/or utilized Plaintiff’s Protected Sexual Information without Plaintiff’s consent.



**GENERAL ALLEGATIONS**

18. Defendant PHE is the owner of Adam & Eve/the Website<sup>1</sup> which is the largest adult product marketer in the United States.

19. Thousands of California residents visit PHE's Website each year.

20. Consumers use PHE's Website to purchase adult products, including sex toys for men and women, bondage equipment, S&M products, lubricants, lingerie, and more.

21. PHE's Website collects various information about its consumers including, but not limited to Private and Protected Sexual Information relating to the consumers' sexual life and sexual orientation, along with their IP addresses to Google. An IP address is a number that identifies a specific device connected to the Internet and its geolocation.

**Google and Google Analytics**

22. PHE's Website sends Plaintiff's Private and Protected Sexual Information to Google using "Google Analytics."

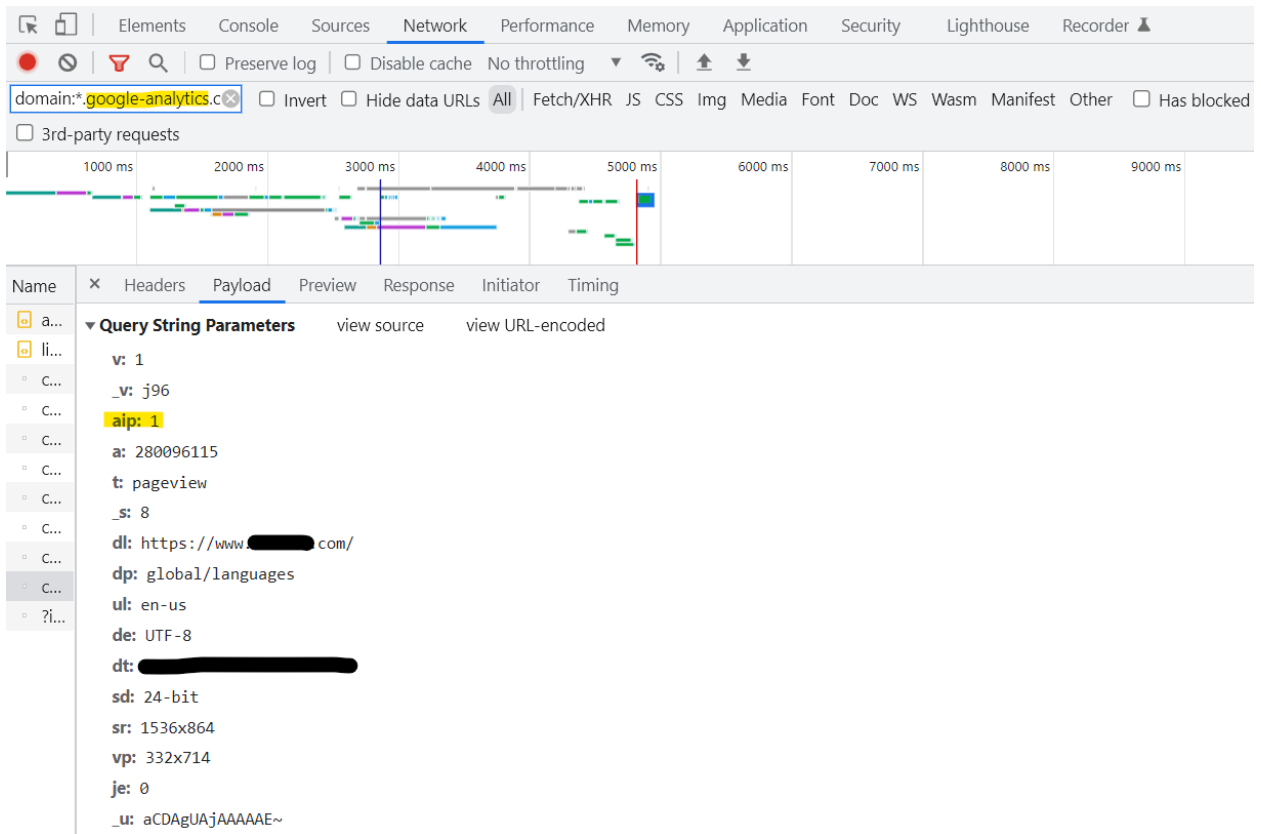
23. Google Analytics is a web analytics service, which allows website owners to track visitor actions on their website in order to target them with personalized advertisements. Google Analytics collects IP addresses of individual internet consumers in order to facilitate and track internet communications. Simply put, Google can use the information that PHE is disclosing in order to identify a specific consumer's actions on the Website.

24. Google Analytics offered PHE an opt-in IP anonymization feature for the Website. According to Google, this feature is designed to help site owners comply with their own privacy policies and the recommendations of data protection authorities.

25. PHE enabled the opt-in IP anonymization feature, which allowed an additional parameter to be added to the communications between Plaintiff, as the website visitor, and the Google Analytics server defined as aip=1 as shown below:

---

<sup>1</sup> <https://www.adameve.com/t-privacy.aspx> (accessed May 24, 2023).



26. Accordingly, when the “aip” parameter does not appear, the IP address is not anonymized, enabling Google to identify the consumer’s IP addresses and their online actions.

27. PHE does not enable the IP anonymization feature on its website. This is demonstrated by the absence of the “aip” parameter, as shown in the image below:

///

///

///

▼ Query String Parameters    view source    view URL-encoded

v: 1  
 \_v: j98  
 a: 1088890873  
 t: event  
 nk: 1  
 \_s: 1  
 dl: https://www.adameve.com/shoppingcart.aspx  
 ul: en-us  
 de: UTF-8  
 dt: Adam & Eve Sex Toy Store | #1 Source for Adult Toys Online  
 sd: 24-bit  
 sr: 2560x1440  
 vp: 1362x1289  
 je: 0  
 ec: Ecommerce  
 ea: Checkout Step  
 \_u: SCCAAAAAAM~  
 jid:  
 gjid:  
 cid: 1302355991.1671549814  
 tid: UA-1283698-9  
 \_gid: 422031894.1671549814  
 gtm: 2wgbu056RXBQ  
 cos: 1  
 pa: checkout  
 pr1id: 319X  
 pr1nm: Adam Eve Silicone G-Gasm Rabbit  
 pr1pr: 69.95  
 pr1br: Adam and Eve  
 pr1ca: 1046  
 pr1qt: 1  
 pr1va: 6200  
 pr1cd10: 60  
 pr1cd11: In Stock  
 pr1cd13: 3.60  
 pr2id: 873X  
 pr2nm: Vibrator Accessory Kit  
 pr2pr: 14.95  
 pr2ca: ADDON\_KIT  
 pr2qt: 1  
 pr2va: 0000  
 pr2cd10: 50  
 pr2cd11: In Stock  
 pr2cd13: 4.25  
 il1nm: YMAN\_CART  
 il1piid: 128X  
 il1pi1ps: 1  
 il1pi1nm: Westinghouse AAA Batteries 4-Pack  
 il1pi1pr: 5.95  
 il1pi1br: Batteries and Things  
 il1pi1ca: Sex Toys/Batteries and Accessories  
 il1pi1cd1: 50  
 il1pi1cd2: 01  
 il1pi1cd5: 0  
 il1pi1cd7: In Stock  
 il1pi1cm2: 4.4  
 il1pi1cd23: 5.95  
 il1pi1cm4: 250  
 il1pi1cm5: 5.95

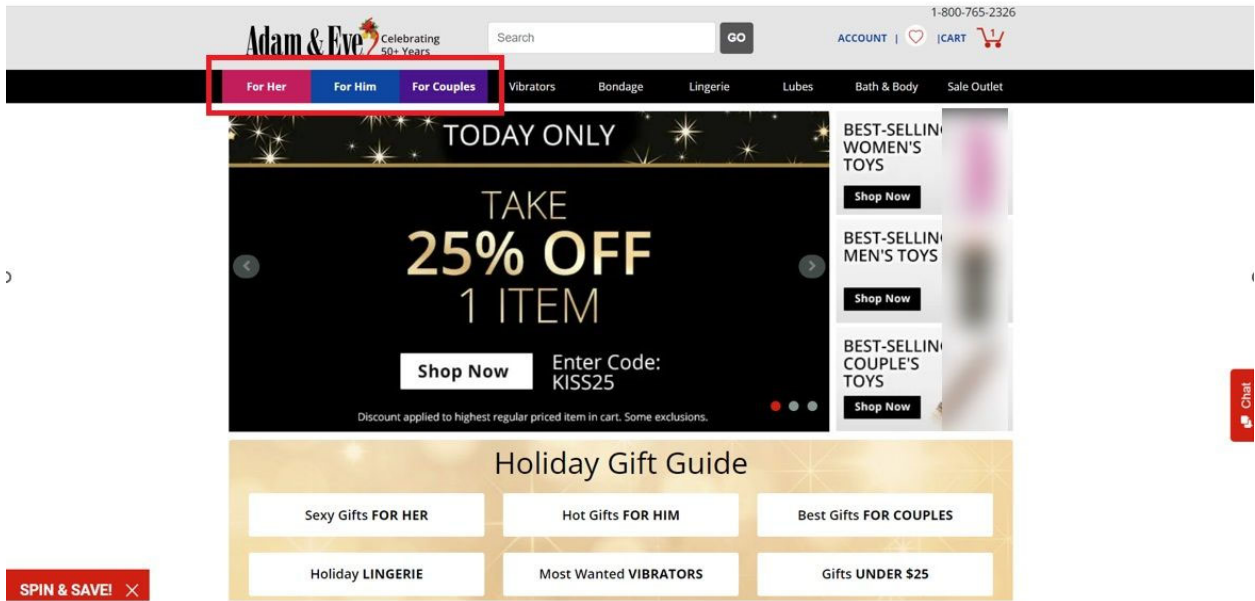
28. By using the Google Analytics tool without anonymized IP feature, PHE is sharing with Google Plaintiff's online activity, along with her IP addresses, even when consumers have not shared (nor have consented to share) such information.

29. The moment Plaintiff entered PHE's Website, Plaintiff's interaction with the Website is immediately and automatically sent directly to Google as depicted below:

The screenshot displays the Adam & Eve website interface. At the top, the header includes the brand name 'Adam & Eve Celebrating 50+ Years', a search bar, and links for 'ACCOUNT', 'CART', and a phone number '1-800-765-2326'. The navigation menu lists categories: 'For Her', 'For Him', 'For Couples', 'Vibrators', 'Bondage', 'Lingerie', 'Lubes', 'Bath & Body', and 'Sale Outlet'. A large promotional banner in the center reads 'TODAY ONLY TAKE 25% OFF 1 ITEM' with a 'Shop Now' button and a code 'KISS25'. To the right, there are sections for 'BEST-SELLING WOMEN'S TOYS', 'BEST-SELLING MEN'S TOYS', and 'BEST-SELLING COUPLE'S TOYS', each with a 'Shop Now' button. Below the banner is a 'Holiday Gift Guide' section with buttons for 'Sexy Gifts FOR HER', 'Hot Gifts FOR HIM', 'Best Gifts FOR COUPLES', 'Holiday LINGERIE', 'Most Wanted VIBRATORS', and 'Gifts UNDER \$25'. At the bottom left, a red button says 'SPIN & SAVE!'. The bottom of the screenshot shows the browser's developer tools with the 'METHOD: POST' and 'URL' sections. The URL is a Google Analytics tracking link: `https://www.google-analytics.com/g/collect?v=2&tid=G-9EEVV2EFZ4&gtm=2oebu0&p=583548772&cid=725432500.1671554204&ul=en-us&sr=1536x864&uaa=x86&uab=64&uafvl=Not%253FA_Brand%3B8.0.0.0%7CChromi...m%3B108.0.5359.124%7CGoogle%2520Chrome%3B108.0.5359.124&uamb=0&uam=&uap=Windows&uapv=14.0.0&uaw=0&s=1&uid=2d3039f7-fef4-4bf0-be1a-00d653ad68be&sid=1671554200&sct=1&seg=0&dl=https%3A%2F%2Fwww.adameve.com%2F&dt=Adam%20%26%20Eve%20Adult%20Toy%20Store%20%7C%20Best%20Sex%20Toys%20for%20Men%20%26%20Women&en=page_view&fv=1&_ss=1&up.userID=2d3039f7-fef4-4bf0-be1a-00d653ad68be`. The 'HEADERS' section shows the following values: `accept: */*`, `accept-encoding: gzip, deflate, br`, `accept-language: en-US,en;q=0.9`, `connection: keep-alive`, `content-length: 0`, `host: www.google-analytics.com`, and `origin: https://www.adameve.com`.



30. Consumers are able to choose between different categories and different adult products.



///

///

///

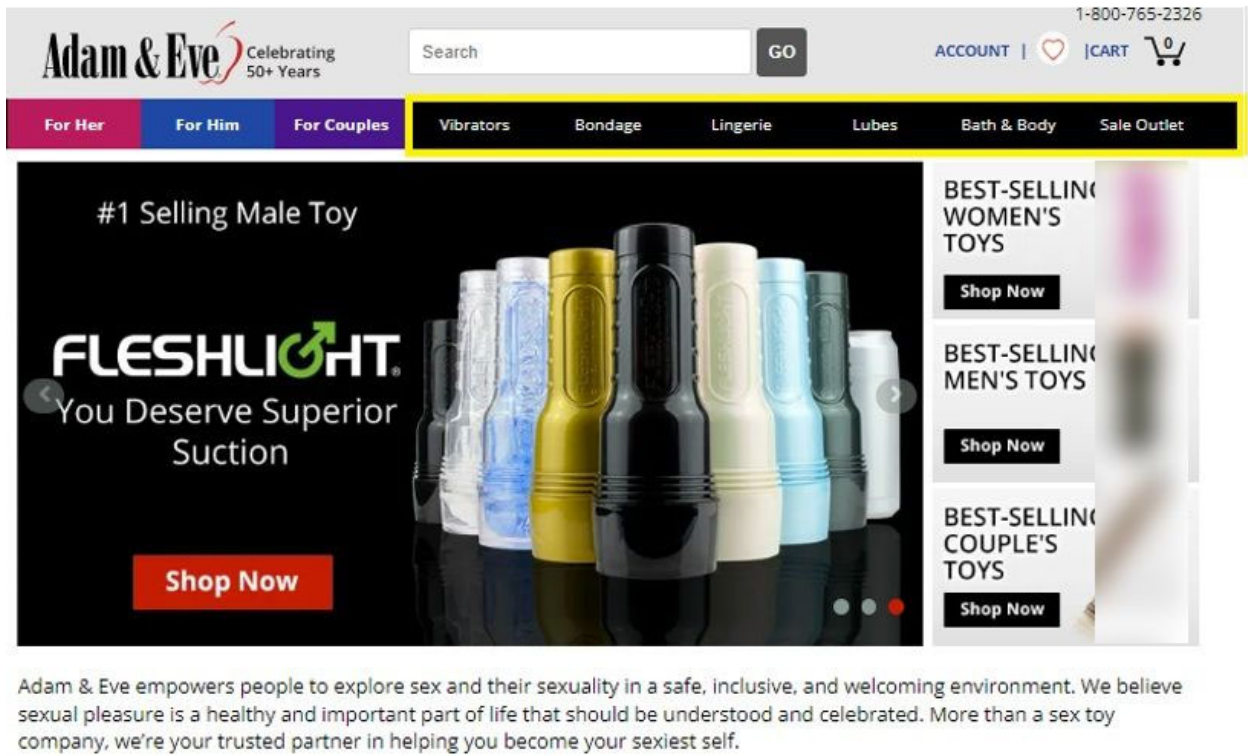
<b>Vibrators</b> Clit Vibes, Rabbit Vibes G-Spot Vibes, Thrusting Vibes Wand Massagers	<b>Sex Toys</b> Dildos, Anal Sex Toys, Bondage, Toy Kits, Toys For Couples	<b>Women's Sex Toys</b> Ben Wa Balls, Sex Machines Nipple Toys, Vibrating Panties Best Toys For Women	<b>Men's Sex Toys</b> Masturbators, Penis Rings, Prostate Toys, Penis Pumps, Best Toys For Men
<b>Lingerie</b> Plus Size, Lingerie Sets Babydolls, Teddies, Crotchless & Open Cup	<b>Bath &amp; Body</b> Bath & Shower, Beauty, Sensual Massage, Organic, Romance Kits	<b>Lubes &amp; Sexual Wellness</b> Customer Favorite Lubes, Water Based, Anal Lube, Female Enhancers, Male Enhancers	<b>Bondage</b> Restraints, Bondage Kits, Blindfolds, Fetish Wear, Paddles & Whips

[Find a Store](#)
[Own a Store](#)

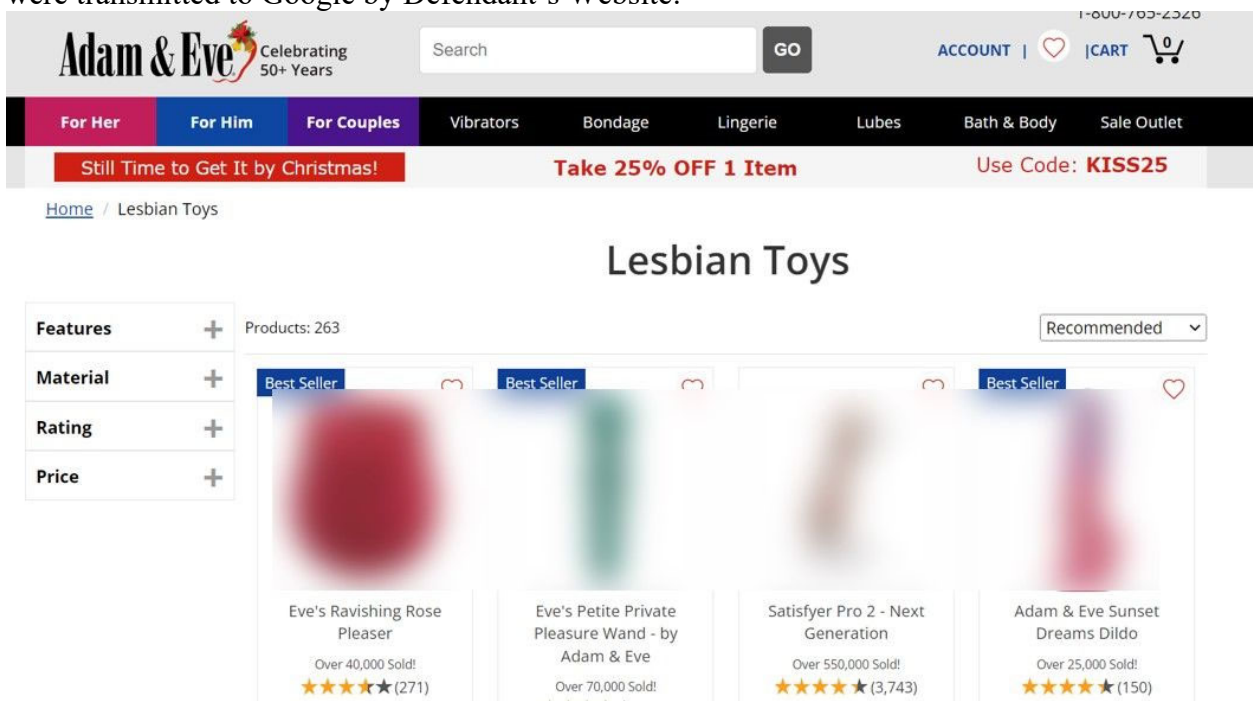
///

///

///



31. As illustrated in the images below, the specific categories the consumer viewed were transmitted to Google by Defendant's Website:



## General

Request URL: https://www.google-analytics.com/collect?v=1&v=j98&a=1921779299&t=pageview&s=1&d1=https%3A%2F%2Fwww.adameve.com%2Flanding%2Fpromo%2Flesbian-toys%3Fst%3Dlesbian&ul=en-us&de=UTF-8&dt=Lesbian%20Toys&sd=24-bit&sr=1536x864&vp=536x571&je=0&\_u=SCCAAEALAAAAAGgOI~&jid=1630498034&gid=1331750785&cid=1302355991.1671549814&tid=UA-1283698-1&\_gid=422031894.1671549814&r=1&\_slc=1&z=511524782

Request Method: POST

Status Code: 200

Adam & Eve Celebrating 50+ Years

Search GO ACCOUNT | CART

For Her For Him For Couples Vibrators Bondage Lingerie Lubes Bath & Body Sale Outlet

Still Time to Get It by Christmas! Take 25% OFF 1 Item Use Code: KISS25

Home / Sex Toys / Women's Sex Toys

## Women's Sex Toys

### THRUSTING VIBRATORS for the Deep

**Shop Now**

Treat yourself to the perfect sex toy. Adam & Eve carries adult toys for women with a variety of features that are guaranteed to hit all the right spots. Order confidently with fast and discreet shipping, a money back guarantee and free gifts!

**Categories**

- Sex Toys (1,010)
- Women's Sex Toys (455)**
- Vibrators (381)
- Men's Sex Toys (273)
- Lesbian Toys (260)
- Sex Toys for Couples (207)
- Dildos (180)
- Anal Toys (142)
- Bondage (115)
- Male Masturbators (103)
- Penis Rings (81)
- Sex Toy Kits (74)
- Strap-Ons (47)
- Gay Sex Toys (41)
- Penis Sleeves and Extensions (31)
- Nipple Toys (29)
- Penis Pumps (23)
- Sex Games and Books (23)
- Fifty Shades of Grey (22)
- Ben Wa Balls (18)
- Oral Sex Toys (14)

**Best Toys for Women** **Clitoral Vibes (72)** **Vibrators** **Rabbit Vibes (60)**

**Dildos (180)** **G-Spot Vibes (56)** **Anal Toys (142)**

*Try Our Vibrator Wizard*

Answer a few questions & find the best vibes for your pleasure.

**Get Started**

///

///

///



METHOD: POST +

URL

+ https://www.google-analytics.com/j/collect?v=1&\_v=j98&a=1368443182&t=pageview&\_s=1&dl=https%3A%2F%2Fwww.adameve.com%2Fadult-sex-toys%2Fwomens-sex-toys-ch-955.aspx&ul=en-us&de=UTF-8&dt=Sex%20Toys%20For%20women%3A%20vibrators%2C%20Dildos%20%26%20More%20%7C%20Adam%20%26%20Eve&sd=24-bit&sr=1536x864&vp=1519x746&je=0&\_u=QCCAAEABAAAAACgCI~&jid=&gid=&cid=725432500.1671554204&tid=UA-1283698-1&\_gid=1002262072.1671554204&\_slc=1&z=28688700

HEADERS

+ accept: \*/\*  
 + accept-encoding: gzip, deflate, br  
 + accept-language: en-US,en;q=0.9  
 + connection: keep-alive  
 + content-length: 0  
 + content-type: text/plain  
 + host: www.google-analytics.com  
 + origin: https://www.adameve.com  
 + referer: https://www.adameve.com/  
 sec-ch-ua: "Not?A\_Brand";v="8", "Chromium";v="108", "Google Chrome";v="108"

32. Thereafter, PHE's Website shared with Google the specific sex toys selected by the consumer.

///

///

///



METHOD: POST +

URL

+ https://www.google-analytics.com/j/collect?v=1&\_v=j98&a=1757596143&t=pageview&s=1&dl=https%3A%2F%2Fwww.adameve.com%2Fadult-sex-toys%2Fdildo-sex-toys-ch-1012.aspx&ul=en-us&de=UTF-8&dt=Dildo%20%7C%20Buy%20the%20Best%20Dildo%20%7C%20Adam%20%26%20Eve%20Sex%20Toy%20Store&sd=24-bit&sr=1536x864&vp=1519x746&je=0&\_u=SCCAEALAAAAACgOI~&jid=&gid=&cid=725432500.1671554204&tid=UA-1283698-1&\_gid=1002262072.1671554204&\_slc=1&z=2081794116

HEADERS

+ accept: \*/\*  
+ accept-encoding: gzip, deflate, br  
+ accept-language: en-US,en;q=0.9  
+ connection: keep-alive  
+ content-length: 0  
+ content-type: text/plain  
+ host: www.google-analytics.com  
+ origin: https://www.adameve.com  
+ referer: https://www.adameve.com/  
sec-ch-ua: "Not?A\_Brand";v="8", "Chromium";v="108", "Google Chrome";v="108"

///

///

///

ARIAS SANGUINETTI WANG & TEAM LLP

Adam & Eve Celebrating 50+ Years

Search GO ACCOUNT | CART

For Her For Him For Couples Vibrators Bondage Lingerie Lubes Bath & Body Sale Outlet

Still Time to Get It by Christmas! Take 25% OFF 1 Item Use Code: KISS25

Home / Sex Toys / Dildos / Realistic Dildos

## Realistic Dildos

**Categories**

- Sex Toys (1,010)
- Dildos (180)
- Realistic Dildos (92)**
- Vibrating Dildos (39)
- G-Spot Dildos (33)
- Glass Dildos (27)
- Anal Dildos (25)
- Huge Dildos (24)
- Double Dildos (14)
- Clone-A-Willy Kits (6)

**Popular Searches**

- ☐ Best Sellers (8)
- ☐ New Products (3)

**Price** +

**Features** +

**Brand** +

**Rating** +

**Material** +

**Length** +

**Width** +

**Color** +

**Super Size It!**

Our Longest & Thickest Realistic Dildos

**Shop Now**

Get Customer Favorites at a Great Value!

★★★★★

Adam & Eve Pink Jelly Slim Dildo

**\$12.95**

★★★★★

Lollicocks 6 Inch Slim Stick

**\$17.95**

★★★★★

XS 5 Inch Dildo with Suction Cup

**\$18.95**

★★★★★

Adam & Eve My First Willy

**\$19.95**

Products: 92

Recommended

**Best Seller**

Adam & Eve Sunset Dreams Dildo

Over 25,000 Sold!

**Best Seller**

Adam & Eve Cool Curve Jelly Dildo

Over 70,000 Sold!

**Best Seller**

Adam's Silicone Dildo - by Adam & Eve

Over 55,000 Sold!

**Best Seller**

Adam & Eve Chubby Fun Vibe

///

///

///



METHOD: POST +

URL

+ https://www.google-analytics.com/j/collect?v=1&\_v=j98&a=100310129&t=pageview&s=1&dt=https%3A%2F%2Fwww.adameve.com%2Fadult-sex-toys%2Fdildo-sex-toys%2Frealistic-dildos%2Fsp-adam-eve-pink-jelly-slim-dildo-91011.aspx&ut=en-us&de=UIF-8&dt=Pink%20Jelly%20Slim%20Dildo%20-%20Dildos%20%7C%20Adam%20%26%20Eve&sd=24-bit&sr=1536x864&vp=2278x1118&je=0&\_u=QCCAAEABAAAAACgCI~&jid=2138824189&gjid=516105928&cid=725432500.1671554204&tid=UA-1283698-1&\_gid=1002262072.1671554204&\_r=1&\_slc=1&z=877039351

HEADERS

+ accept: \*/\*  
+ accept-encoding: gzip, deflate, br  
+ accept-language: en-US,en;q=0.9  
+ connection: keep-alive  
+ content-length: 0  
+ content-type: text/plain  
+ host: www.google-analytics.com  
+ origin: https://www.adameve.com  
+ referer: https://www.adameve.com/  
sec-ch-ua: "Not?A\_Brand";v="8", "Chromium";v="108", "Google Chrome";v="108"

33. Additionally, PHE's website shared with Google that the consumer added the sex toy to the cart and checked out.

///

///

///

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

Adam & Eve Celebrating 50+ Years

Search  GO

ACCOUNT | | CART

For Her For Him For Couples Vibrators Bondage Lingerie Lubes Bath & Body Sale Outlet

Still Time to Get It by Christmas! Take 25% OFF 1 Item Use Code: KISS25

[Home](#) / [Sex Toys](#) / [Dildos](#) / [Realistic Dildos](#)

### Adam & Eve Pink Jelly Slim Dildo

Item #136M

In Stock Over 100,000 Sold!

★★★★★ 821 Reviews

**\$12.95**

SPECIAL OFFER

Pay only **\$9.71**

When you use code KISS25 at checkout [Details](#)

Pay in 4 interest-free payments on purchases of \$30-\$1,500. [Learn more](#)

**Add to Cart**

[Add to Wish List](#) [Email This Item](#)

Get a Free Mystery Gift at \$17+ [Select in Cart](#)

Adam & Eve 100% Guarantee

[Description](#) [Details](#) [Reviews](#)

#### Product Description

The Perfect Goes Anywhere, Does Anything Dildo!

Slender, flexible and seductive! It's 6" long and 1" wide for easy vaginal play and anal exploration. Dip it into your favorite love zone! Wide base makes it easier to hold onto. Veined details pop out and stimulate! Molded from super flexible TPR material. Realistic looking! Perfect for anal beginners, be sure to use with water-based lube.

- Adam & Eve Pink Jelly Slim Dildo
- Insertable to 5.5", 1" wide
- Hot phallus shape

★★★★★

Adam & Eve Pink Jelly Realistic Dildo

**\$24.95**

**Guarantee**  
Buy with Confidence!

**100%**  
100% Satisfaction

Always Discreet

24/7 Customer Service

[Learn More](#)

You May Also Like

///

///

///

METHOD: POST +

URL

+ https://www.google-analytics.com/g/collect?v=2&tid=G-9EEV2EFZ4&gtm=2oebuo&p=1407130527&cid=725432500.1671554204&ul=en-us&sr=1536x864&uaa=x86&uab=64&uafvl=Not%253FA\_Brand%3B8.0.0.0%7CChromium%3B108.0.5359.124%7CGoogle%2520Chrome%3B108.0.5359.124&uamb=0&uam=&uap=Windows&uapv=14.0.0&uaw=0&s=1&uid=2d3039f7-fef4-4bf0-be1a-00d653ad68be&sid=1671554209&sct=1&seg=1&dl=https%3A%2F%2Fwww.adameve.com%2Fsignin.aspx%3Fcheckout%3Dtrue&dr=https%3A%2F%2Fwww.adameve.com%2Fshoppingcart.aspx&dt=Adam%20%26%20Eve%20Sex%20Toy%20Store%20%7C%20%231%20Source%20for%20Adult%20Toys%20Online&n=page\_view&up.userID=2d3039f7-fef4-4bf0-be1a-00d653ad68be

HEADERS

+ accept: \*/\*  
+ accept-encoding: gzip, deflate, br  
+ accept-language: en-US,en;q=0.9  
+ connection: keep-alive  
+ content-length: 0  
+ host: www.google-analytics.com  
+ origin: https://www.adameve.com  
+ referer: https://www.adameve.com/  
sec-ch-ua: "Not?A\_Brand";v="8", "Chromium";v="108", "Google Chrome";v="108"

34. Also notable, any information submitted by consumers through the search bar on the site's homepage is shared with Google, as demonstrated in the images below:

The screenshot shows the Adam & Eve website homepage. At the top, there is a search bar with the text "strap-on dildo" entered. Below the search bar, there is a navigation menu with categories: For Her, For Him, For Couples, Vibrators, Bondage, Lingerie, Lubes, Bath & Body, and Sale. A banner below the navigation menu reads "Our Biggest Rabbit Vibe Sale: Up To 50% OFF Shop Now". Below the banner, the search results for "strap-on dildo" are displayed. The results show 42 products and 3 articles. The first four products are:

- New Comers Strap-On and Dildo Set: Over 70,000 Sold, \$49.95
- Ouchi Glow In The Dark Strap-On Harness with Dildo: \$79.95 \$69.95
- KingCock Strap-On Harness with 6 inch Dildo: Over 25,000 Sold, \$74.95
- Kingcock Strap-On Harness With 8-inch Dildo: Over 10,000 Sold, \$89.95



**Request URL:** https://www.google-analytics.com/j/collect?v=1&\_v=j99&a=746418084&t=pageview&\_s=1&dl=https%3A%2F%2Fwww.adameve.com%2Fsearch.aspx%3Fst%3Dstrap-on%2520dildo&ul=he-il&de=UTF-8&dt=Sex%20Toys%20by%20adameve.com%20-%20Adult%20Sex%20Toys%20E2%80%93%20Sex%20Toys%20for%20Couples%20-%20strap-on%20dildo&sr=1536x864&vp=712x697&je=0&\_u=SCCAAEALAAAAACgOI~&jid=&gjid=&cid=1132847793.1678209859&tid=UA-1283698-1&\_gid=106492676.1680425479&\_slc=1&z=567301132





**Request Method:** POST

**Status Code:** 200

**Remote Address:** 142.250.190.142:443

**Referrer Policy:** strict-origin-when-cross-origin

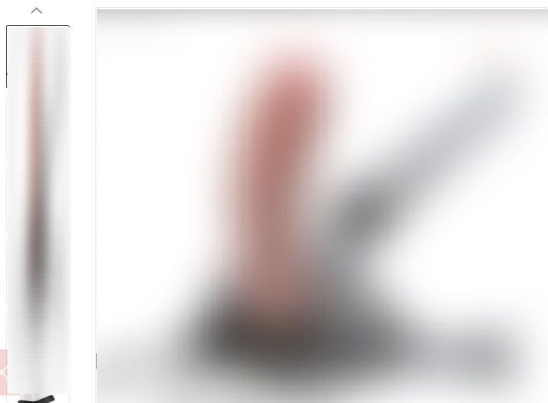
Call us on 1-800-765-2326 [Order Status](#) [Shipping](#) [Returns](#) [Need Help?](#)

**Adam & Eve** Celebrating 50+ Years     

[For Her](#) [For Him](#) [For Couples](#) [Vibrators](#) [Bondage](#) [Lingerie](#) [Lubes](#) [Bath & Body](#) [Sale](#)

**Our Biggest Rabbit Vibe Sale: Up To 50% OFF [Shop Now](#)**

Home / Sex Toys / Strap-Ons





**Kingcock Strap-On Harness With 8-Inch Dildo**


Over 10,000 Sold ● In Stock


★★★★★ (58) Reviews


**\$89.95**

[Add to Cart](#)

 Free Gift on orders \$17+  Hassle Free Returns

 Pay in 4 interest-free payments of \$22.49. [Learn more](#)

 Need to speak to us? Quote item **C495**

**% SAVE!** 

**Request URL:** https://www.google-analytics.com/collect?v=1&\_v=j99&a=1961219371&t=pageview&\_s=1&dl=https%3A%2F%2Fwww.adameve.com%2Fadult-sex-toys%2Fstrap-on-sex-toys%2Fsp-kingcock-strap-on-harness-with-inch-dildo-106459.aspx&ul=he-il&de=UTF-8&dt=Product%20Details%3A%20C495&sd=24-bit&sr=1536x864&vp=711x697&je=0&\_u=SCCAgAALAAAAACgO~&jid=361481224&gjid=417139221&cid=1132847793.1678209859&tid=UA-1283698-9&\_gid=106492676.1680425479&gtm=45He33t0n7156RxBQ&cd16=73745%3A2420526&cd14=Product&cd15=38fe5d40-09ab-45b1-b8f9-efb00767e3c1&cd17=AE-Product%20Details%3A%20C495&cd18=WEBGEN1&cd19=GN&z=1214920245

**Request Method:** GET

**Status Code:** 200

**Remote Address:** 142.250.190.142:443

**Referrer Policy:** strict-origin-when-cross-origin

1           35.     The above information, combined with the consumer's IP address, enables Google  
2 to identify the person who has interacted with PHE's Website or has submitted information  
3 through the site.

4           36.     Website consumers did not know that the communications between them and  
5 PHE would be shared with a third party, Google.

6           37.     PHE did not obtain consent or authorization of Website consumers to disclose  
7 communications about their Private and Protected Sexual Information.

8           38.     The surreptitious disclosure of Private and Protected Sexual Information is an  
9 outrageous invasion of privacy and would be offensive to a reasonable person.

#### 10                                   **California Invasion of Privacy Act**

11  
12           39.     In recognition of this, the Legislature passed the CIPA "to protect the right of  
13 privacy of the people of this state." Cal. Penal Code § 630.

14           40.     Section 631 of the CIPA prohibits *inter alia*

- 15           a.     Aiding or permitting a third party to read or learn the contents of any message,  
16                 report, or communication that is in transit or passing over any wire, line, or  
17                 cable, or is being sent from or received at any place within California, without  
18                 the consent of all parties to the message, report, or communication;
- 19           b.     Reading or attempting to read or to learn the contents of any message, report or  
20                 communication while the same is in transit or passing over any wire line, or  
21                 cable without the consent of all parties to the message, report or  
22                 communication;
- 23           c.     Using or attempting to use, in any manner or for any purpose, any information  
24                 obtained from any message, report or communication read while the same is in  
25                 transit or passing over any wire line, or cable without the consent of all parties  
26                 to the message, report or communication; and
- 27           d.     Aiding, agreeing with, employing or conspiring with any person or persons to  
28                 unlawfully do, or permit, or cause the disclosure, learning, reading, and usage

1 of any communications set by wire in California without the consent of all  
2 parties to the message, report or communication.

3 41. Internet communications pass over a wire, line, and/or cable.

4 42. Using a website and entering information on a website are messages, reports, and/or  
5 communications between the website user and website developer, owner, and/or operator.

6 43. Such messages, reports, and/or communications are transmitted or passed over a  
7 wire, line, or cable.

8 44. Where a website user or a website developer, owner, or operator is based in  
9 California, the message, report, or communication is sent from and/or received in California.

10 45. When someone uses a website and enters information on that website, the sole  
11 parties to that message, report, or communication are the website user and the website developer,  
12 owner, or operator.

13 46. It is a violation of section 631 of the CIPA to allow someone other than the website  
14 user or website developer, owner, or operator to read or learn the contents of messages, reports, or  
15 communications between those parties without the consent of all parties.

16 47. It is a violation of section 631 of the CIPA to read or learn the contents of messages,  
17 reports, or communications between website users and developers, owners or operators without  
18 the consent of all parties.

19 48. It is a violation of section 631 of the CIPA to use information contained in  
20 messages, reports, or communications between website users and developers, owners or operators  
21 without the consent of all parties.

22 49. It is a violation of section 631 of the CIPA to aid, agree with, employ or conspire  
23 with another to unlawfully read, learn or use information contained in messages, reports, or  
24 communications between website users and developers, owners or operators without the consent  
25 of all parties.

26 50. When someone violates section 631 of the CIPA, the aggrieved party may bring a  
27 civil action for \$5,000 per violation pursuant to section 637.2(a)(1) of the CIPA.  
28



64. Google is not a party to the messages, reports, or communications between Plaintiff and PHE.

65. Plaintiff did not know the messages, reports, or communications between herself and PHE would be disclosed to Google.

66. Plaintiff did not know that her Private and Personal Sexual Information and IP address would be shared, used, sold or otherwise disclosed to Google.

67. Plaintiff did not consent to the messages, reports, or communications between herself and PH being shared with Google.

### **CLASS ALLEGATIONS**

#### **A. Definition of the Class**

1. Plaintiff brings this action individually and on behalf of all persons as the Court may determine to be appropriate for class certification, pursuant to California Code of Civil Procedure § 382. Plaintiffs seek to represent a Class of persons defined as:

**All California residents who have visited the Website, navigated through the Website's pages, entered search terms on the Website, and/or purchased adult products on the Website.**

The definition is subject to modification as discovery will disclose further information. Plaintiff reserves the right to propose one or more sub-classes if discovery reveals that such subclasses are appropriate.

2. This case is properly maintainable as a class action pursuant to and in accordance with California Code of Civil Procedure § 382 in that:

- a. The Class, which includes thousands of members, is so numerous that joinder of all members is impracticable;
- b. There are substantial questions of law and fact common to the class including those set forth in greater particularity herein;



- c. Questions of law and fact such as those enumerated below, which are all common to the class, predominate over any questions of law or fact affecting only individual members of the class;
- d. A class action is superior to any other type of action for the fair and efficient adjudication of the controversy;
- e. The relief sought in this class action will effectively and efficiently provide relief to all members of the class; and,
- f. There are no unusual difficulties foreseen in the management of this class action; and
- g. Plaintiff, whose claim is typical of those of the Class, through her experienced counsel, will zealously and adequately represent the Class.

#### **B. Numerosity**

3. There are thousands of individuals who have used the Website and have searched for adult products in California. Accordingly, the Class Members are so numerous that joinder of all parties is clearly impracticable.

4. The prosecution of separate lawsuits by Class Members would risk inconsistent or varying adjudications. Class-wide adjudication of these claims is, therefore, appropriate.

#### **C. Commonality**

5. These numerous common questions of law and fact predominate over any individual questions affecting Class Members, including, but not limited to the following:

- a. Whether PHE collected information about Class Members who used the Website;

- b. Whether that information constitutes messages, reports, or communications under CPA § 631;
- c. Whether PHE disclosed the messages, reports, or communications between PHE and the Class Members who accessed the Website;
- d. Whether PHE and Google had an agreement whereby PHE installed Google Analytics to disclose Class Members' search history and other information in exchange for payment or another form of consideration;
- e. Whether Google read, learned, and/or utilized the information it obtained about Class Members' use of PHE's Website from PHE;
- f. How Class Members' messages, reports, communications, and Private and Personal Sexual Information was disclosed and to whom; and
- g. Whether Defendant obtained consent or authorization before disclosing Class Members' messages, reports, communications or Private and Personal Sexual Information.

#### **D. Typicality**

6. Plaintiff has the same interests in this matter as all the other members of the Class and her claims are typical of all members of the Class. If brought and prosecuted individually, the claims of each Class Member would require proof of many of the same material and substantive facts, utilize the same complex evidence including expert testimony, rely upon the same legal theories and seek the same type of relief.

7. The claims of Plaintiff and the other Class Members have a common cause and their damages are of the same type. The claims originate from the synonymous disclosure, reading, learning of, and utilizing messages, reports, or communications by Defendants without consent.

1           8. All Class Members have been aggrieved by Defendants' disclosure, reading,  
2 learning and utilizing the information contained within their messages, reports, or communications  
3 without consent and are entitled to, *inter alia*, statutory damages.

4           **E. Adequacy of Representation**

5           9. Plaintiff's claims are sufficiently aligned with the interests of the absent Class  
6 Members to ensure that the Class' claims will be prosecuted with diligence and care by Plaintiff  
7 as representative of the Class. Plaintiff will fairly and adequately represent the interests of the  
8 Class and does not have interests adverse to the Class.

9           10. Plaintiff has retained the services of counsel who are experienced in complex class  
10 action litigation and in particular class actions stemming from data privacy claims. Plaintiff's  
11 counsel will vigorously prosecute this action and will otherwise protect and fairly and adequately  
12 represent Plaintiff and all absent Class Members.

13           **F. Class Treatment Is the Superior Method of Adjudication**

14           11. A class action is superior to other methods for the fair and efficient adjudication of  
15 the controversies raised in this Complaint because:

- 16           a. Individual claims by the Class Members would be impracticable as the costs of  
17 pursuit would far exceed what any one Class Member has at stake;  
18           b. Little or no individual litigation has been commenced over the controversies alleged  
19 in this Complaint and individual Class Members are unlikely to have an interest in  
20 separately prosecuting and controlling individual actions;  
21           c. The concentration of litigation of these claims in one action will achieve efficiency  
22 and promote judicial economy; and  
23           d. The proposed class action is manageable.  
24           12. The prosecution of separate actions by or against individual members of the Class  
25 would create the risk of (i) inconsistent or varying adjudications with respect to individual  
26  
27  
28

members of the Class, which could establish incompatible standards of conduct for the party opposing the Class; and (ii) adjudications with respect to individual members of the Class which would as a practical matter be dispositive of the interests of the other members not parties to the adjudications or substantially impair or impede their ability to protect their interests.

13. Notice can be provided to members of the Class by U.S. Mail and/or publication.

14. Class treatment of Plaintiffs' claims is appropriate and necessary.

## I. CAUSES OF ACTION I

### AGAINST DEFENDANT PHE, INC.

#### **VIOLATION OF THE CALIFORNIA INVASION OF PRIVACY ACT**

1. Plaintiff restates all allegations of this Complaint as if fully restated herein.

2. The Plaintiff and/or Class are located in California.

3. Defendant PHE, through its Website, is engaged in the business of selling adult products to the Plaintiff and Class.

4. The Plaintiff and Class used Defendant's Website to search for and/or purchase adult products.

5. When Plaintiff and the Class used the Website, they were messaging, reporting, and/or communicating with PHE.

6. Those messages, reports, and/or communications were transmitted or passed over a wire, line, or cable, and were sent and/or received within California.

7. Defendant PHE willfully disclosed the messages, reports, and/or communications with Google via Google Analytics.

8. By doing so, PHE willfully aided and permitted Google, a third-party, to read and learn of the messages, reports, and/or communications between the Plaintiff/Class and PHE.

9. The Plaintiff and Class were not aware that PHE was disclosing their messages, reports, and/or communications to Google.

10. The Plaintiff and Class did not consent to PHE sending or permitting Google to read or learn about the messages, reports, or communications between them and PHE.

11. PHE is liable to the Plaintiff and Class for statutory damages of \$5,000 for each time it disclosed a message, report, or communication to Google without consent.

## II. CAUSE OF ACTION II

### AGAINST DEFENDANT GOOGLE LLC

#### **VIOLATION OF THE CALIFORNIA INVASION OF PRIVACY ACT**

15. Plaintiff restates the allegations set forth in all previous paragraphs of this Complaint as if fully rewritten herein.

16. The Plaintiff and/or Class are located in California.

17. Defendant Google is the owner/operator of Google Analytics, a platform that collects data from websites and apps to create reports that provide insights into a website's business.

18. The Plaintiff and Class used PHE's Website to search for and/or purchase adult products.

19. PHE and Google had an agreement whereby Google Analytics was installed onto PHE's Website in exchange for payment or some other consideration.

20. When Plaintiff and the Class used PHE's Website, they were communicating with Defendant PHE, but were unaware and never consented to those communications being shared with Defendant Google LLC.

21. Defendant Google willfully obtained the messages, reports, and/or communications of Plaintiff's and the Class's via Google Analytics without their knowledge and consent.

22. Defendant Google read, learned from, and utilized the messages, reports, and/or communications of Plaintiff's and the Class's to PHE via Google Analytics without their knowledge and consent.

#### **PRAYER FOR RELIEF**

WHEREFORE, Plaintiff, individually and on behalf of the proposed Class, prays for judgment as follows:

A. Certification of the proposed Class pursuant to California Code of Civil Procedure § 382 and California Rules of Court Rule 3.764;

- B. Designation of Plaintiff as representative of the proposed Class and designation of her counsel as Class Counsel;
- C. Judgment in favor of Plaintiff and the Class Members and against Defendants;
- D. An award, to Plaintiff and each Class Member for statutory damages of \$5,000 for each time Defendant PHE, Inc. disclosed a message, report, or communication to a third party without consent, pursuant to the CIPA;
- E. An award, to Plaintiff and each Class Member for statutory damages of \$5,000 for each time Defendant Google LLC read, learned the contents of, and/or utilized information obtained from a message, report, or communication between PHE and the Class without consent, pursuant to the CIPA;
- F. An award of attorney fees and costs, including pre- and post-judgment interest;
- G. An Order holding that Defendant PHE's disclosure of the Plaintiff's and Class's messages, reports, and/or communications was in violation of the CIPA;
- H. An Order holding that Defendant Google's review of the Plaintiff's and Class's messages, reports, and/or communications was in violation of the CIPA; and
- I. Such further relief as the Court deems just and proper.

**JURY DEMAND**

Plaintiffs hereby demand a trial by jury.

Dated: January 3, 2024

**ARIAS SANGUINETTI WANG  
& TEAM LLP**

By:

  
MIKE ARIAS, ESQ.  
ARNOLD C. WANG, ESQ.  
M. ANTHONY JENKINS, ESQ

**LIDDLE SHEETS COULSON P.C.**

NICHOLAS A. COULSON, ESQ.\*  
JULIA G. HAGHIGHI, ESQ.\*

\* *Pro Hac Vice* applications to be submitted

*Attorneys for Plaintiffs and the Putative Class*